

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CLIFFORD F. TUTTLE, JR., AS §
REPRESENTATIVE OF THE ESTATE OF §
DENNIS W. TUTTLE, DECEASED, ROBERT §
TUTTLE, AND RYAN TUTTLE, §
§
Plaintiffs §
§
v. § Civil Action No. 4:21-cv-270
§
CITY OF HOUSTON; GERALD GOINES, in §
his individual capacity; STEVEN BRYANT, in §
his individual capacity; FELIPE GALLEGOS, §
in his individual capacity; ERIC SEPOLIO, in §
his individual capacity; MANUEL SALAZAR, §
in his individual capacity; THOMAS WOOD, §
in his individual capacity; OSCAR PARDO, in §
his individual capacity; FRANK MEDINA, in §
his individual capacity; CLEMENTE REYNA, §
in his individual capacity; CEDELL LOVINGS, §
in his individual capacity; NADEEM ASHRAF, §
in his individual capacity; MARSHA TODD, in §
her individual capacity; and ROBERT §
GONZALEZ in his individual Capacity, §
§
Defendants¹. §

ORDER ON DEPOSITIONS

The Court conducted a status conference on December 15, 2021, to hear the parties' positions, *inter alia*, on conducting depositions.

The Court now finds that Plaintiffs have stated sufficient facts in their Amended Complaints to overcome the assertions of qualified immunity by Defendants Reyna, Todd, Gonzales, Gallegos, Ashraf, Lovings, Medina, Pardo, Wood, Salazar, and Sepolio against Plaintiffs' claims based on excessive force, lack of probable cause, bystander liability/failure to

¹ Consolidated with *John Nicholas, et al, vs. City of Houston, et al*, No. 4:21-cv-272

intervene, and supervisory liability, but the Court is unable to rule on said immunity defenses without further clarification of the facts.

Accordingly, because discovery related to Defendants' assertion of qualified immunity is warranted at this time, it is ORDERED that:

1. The Plaintiffs are allowed to depose Nicole Blankenship-Reeves.
2. The Plaintiffs are allowed to depose Lt. S.C. Nguyen.
3. The Plaintiffs are allowed to depose Lt. J.L. French.
4. The Court previously took Plaintiffs' request to depose Defendant Todd under advisement. The Court now rules that Plaintiffs may depose Defendant Todd.
5. The Defendants are allowed to depose Texas Ranger Jeff Wolf.

These depositions will be limited to issues bearing on Defendants' assertions of qualified immunity. No other depositions are allowed without further order of the Court.

Plaintiffs shall notify the Court when the depositions have been completed, following which the Court will enter a briefing schedule relating to the motions to dismiss.

The portions of the Court's order dated August 9, 2021, which are inconsistent with this Order are VACATED.

It is so ORDERED.

SIGNED this _____ day of _____, 2021.

The Honorable Alfred H. Bennett
United States District Judge